

## REMARKS

This is intended as a full and complete response to the Final Office Action dated August 1, 2006, having a shortened statutory period for response set to expire on November 1, 2006. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, the paragraphs 26 and 27 have been amended to correct minor editorial problems.

Claims 11 and 14-24 are pending in the application. Claims 11 and 14-24 remain pending following entry of this response. Claims 11 and 19 have been amended. Applicants submit that the amendments do not introduce new matter.

### Specification

The disclosure has been objected to because of informalities.

Applicants have amended paragraphs 26 and 27 to address the concern raised by the Examiner. Accordingly, Applicants respectfully request the objection be withdrawn.

### Claim Rejections - 35 U.S.C. § 102

Claims 11, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by *Kubota* (5,065,215 (hereinafter, "*Kubota*")).

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9

USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Kubota* does not disclose “each and every element as set forth in the claim”. For example, *Kubota* does not disclose at least “whereby the source/drain electrode is disposed between the doped region and the substrate to prevent contact between the doped region and the substrate.”

The Examiner argues that *Kubota* discloses “a doped region (19) formed completely within the source/drain electrode, wherein the doped region is completely surrounded by the source/drain electrode except for a surface to contact the filling of the bit-line contact (see fig. 1B), the doped region comprising a locally limited electrically conductive contact layer (121) which is formed substantially underneath the bit-line contact in the diffusion region and which has a relatively reduced lateral migration underneath the insulator layer adjoining the bit-line contact (See fig. 1B).”

In *Kubota* Figures 1B and 2B-2E show that the “p+ type source (drain) region 121” contacts the silicon substrate 100. Thus, the figures in *Kubota* do not disclose the claim limitation of “whereby the source/drain electrode is disposed between the doped region and the substrate to prevent contact between the doped region and the substrate.” Furthermore, nowhere else in *Kubota* is there any disclosure that “the source/drain electrode is disposed between the doped region and the substrate to prevent contact between the doped region and the substrate.” Thus, *Kubota* does not disclose “each and every element as set forth in the claim.”

Therefore, claim 11 and its dependents are believed to be allowable, and allowance of the claims is respectfully requested.

#### Claim Rejections - 35 U.S.C. § 103

Claims 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kubota* as applied to claims 11, 14 and 16 above, and further in view of *Lu* (6,218,639 (hereinafter, “*Lu*”)).

Claims 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kubota* as applied to claims 11, 14 and 16 above, and further in view of *Bollinger et al.* (6,762,136 (hereinafter, "*Bollinger et al.*")), and further in view of *Lu*.

Applicants respectfully traverse these rejections.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria.

As discussed above, *Kubota* does not teach, show or suggest "whereby the source/drain electrode is disposed between the doped region and the substrate to prevent contact between the doped region and the substrate" as recited in claim 14 and claim 19. *Lu* and *Bollinger* also fail to teach, show or suggest "whereby the source/drain electrode is disposed between the doped region and the substrate to prevent contact between the doped region and the substrate." Thus, the references cited by the Examiner, either alone or in combination, do not teach, show or suggest the claimed subject matter.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact the undersigned attorney to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and  
**S-signed pursuant to 37 CFR 1.4,**

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